

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21**

**DECO LOGISTICS, INC D/B/A
CONTAINER CONNECTION**

**Cases 21-CA-272323
 21-CA-277355
 21-CA-281054**

and

UNIVERSAL INTERMODAL SERVICES

and

SOUTHERN COUNTIES EXPRESS

and

UNIVERSAL LOGISTICS HOLDINGS, INC.

and

UNIVERSAL MANAGEMENT SERVICES

and

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

RESPONDENTS' JOINT ANSWER TO CONSOLIDATED COMPLAINT

Respondents Deco Logistics, Inc. d/b/a Container Connection, Universal Intermodal Services, Southern Counties Express, Universal Logistics Holdings, Inc., and Universal Management Services (collectively, "Respondents"), through undersigned counsel and pursuant to Sections 102.20-21 of the Rules and Regulations of the National Labor Relations Board, answer the Consolidated Complaint in the above-referenced matter as follows.

Respondents answer each correspondingly numbered and lettered and unnumbered and unlettered paragraph and subparagraph of the Complaint as follows.

Respondents answer the first unnumbered and unlettered paragraph of the Consolidated Complaint, beginning on the first page of the Consolidated Complaint, by averring that this is an informational paragraph to which no response is required. To the extent a response may be required, Respondents deny that they have engaged in unfair labor practices as alleged, and otherwise are without knowledge or information sufficient to form a belief as to the truth of the averments of this unnumbered paragraph.

Respondents answer the second unnumbered and unlettered paragraph of the Consolidated Complaint, on the second page of the Consolidated Complaint, by denying that they have engaged in unfair labor practices as alleged, and otherwise are without knowledge or information sufficient to form a belief as to the truth of the averments of this unnumbered paragraph.

1. (a)–(g) Admitted.

2. (a) Respondents admit that Respondent Deco Logistics is a California corporation with an office located at 14575 Innovation Drive, Riverside, California, and deny the remaining allegations of Paragraph 2(a).

(b) Denied. Respondent Deco Logistics further avers that its gross annual revenues exceed \$500,000.

(c) Respondents admit that Respondent Southern Counties is a California corporation, and denies the remaining allegations of Paragraph 2(c).

(d) Denied. Respondent Southern Counties further avers that its gross annual revenues exceed \$500,000.

(e) Respondents admit that Respondent Universal Intermodal is a Michigan corporation engaged in the business of providing transportation services, and deny the remaining allegations of Paragraph 2(e).

(f) Denied. Respondent Universal Intermodal further avers that its gross annual revenues exceed \$500,000.

(g) Respondents admit that Respondent Universal Logistics is a Michigan corporation with an office located at 12755 E. Nine Mile, Warren, Michigan, and deny the remaining allegations of Paragraph 2(g).

(h) Denied.

(i) Respondents admit that Respondent Universal Management is a Michigan corporation with an office located at 12755 E. Nine Mile, Warren, Michigan, and deny the remaining allegations of Paragraph 2(i).

(j) Denied. Respondent Universal Management further avers that it agrees it is subject to the Board's jurisdiction.

3. (a) Denied.

(b) Denied.

4. Respondents admit that at all material times, Respondents Deco Logistics, Universal Intermodal Services, Southern Counties Express, and Universal Management Services have been employers engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act. Respondents deny that Respondent Universal Logistics Holdings, Inc. and is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act. Respondents further deny that the individuals directly referenced in the Consolidated Complaint as "employees", including but not limited to (b) (6), (b) (7)(C), were at any material time "employees" of any Respondent within the meaning of Section 2(3) of the Act.

5. Admitted.

6. Respondents admit that each of the individuals listed in Paragraph 6 of the Consolidated Complaint have been supervisors within the meaning of Section 2(11) of the Act, and agents within the meaning of Section 2(13) of the Act, of the entity identified below for each individual. Respondents deny that the individuals listed Paragraph 6 of the Consolidated Complaint have been supervisors within the meaning of Section 2(11) of the Act, and/or agents within the meaning of Section 2(13) of the Act, for any entity other than the entity identified below for each individual. Respondents further aver that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are no longer employed by any of the Respondents. Respondents further aver that the correct job titles and entities for each individual listed in Paragraph 6 are:

(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)

7. Respondents admit that each of the individuals listed in Paragraph 7 of the Consolidated Complaint have been agents within the meaning of Section 2(13) of the Act of the entity identified below for each individual. Respondents deny that the individuals listed Paragraph 7 of the Consolidated Complaint have been agents within the meaning of Section 2(13) of the Act for any entity other than the entity identified below for each individual. Respondents further aver that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are no longer employed by any of the Respondents. Respondents further aver that the correct job titles and entities for each individual listed in

Paragraph 7 are:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

8. Denied.

9. Denied.

10. (a) Denied

(b) Denied.

(c) Denied.

(d) Denied.

(e) Denied.

11. (a) Denied.

(b) Denied.

(c) Denied.

(d) Denied.

12. (a) Denied.

(b) Denied.

13. (a) Denied.

(b) Denied.

14. Paragraph 14 states a legal conclusion to which no response is required. To the extent a response may be required, Respondents deny Paragraph 14.

15. Paragraph 15 states a legal conclusion to which no response is required. To the extent a response may be required, Respondents deny Paragraph 15.

16. Denied.

Respondents respond to the unnumbered and unlettered paragraph following the capitalized “WHEREFORE” at the eighth page of the Consolidated Complaint by denying that they have violated the Act in any manner and denying that any remedy is warranted.

Respondents respond to the paragraphs numbered 1 through 6 on the eighth and ninth pages of the Consolidated Complaint, identifying specific remedies sought by the General Counsel, by denying that they have violated the Act in any manner, and denying that any remedy is warranted. Respondents further aver that each paragraph seeks remedies that are beyond the scope permitted by the Act and constitute improper requests for relief, and/or are punitive requests for relief not permitted by the Act.

Respondents respond to the unnumbered and unlettered paragraphs after the heading “Answer Requirement” at the ninth and tenth pages of the Consolidated Complaint by stating that these are informational paragraphs and do not require a response.

Respondents respond to the unnumbered and unlettered paragraphs after the heading “Notice of Hearing” at the tenth and eleventh pages of the Consolidated Complaint by stating that these are informational paragraphs and do not require a response.

Respondents further respond to each and every numbered, lettered, unnumbered and unlettered paragraph and subparagraph of the Consolidated Complaint by stating that any allegation not admitted specifically is denied.

FIRST DEFENSE

Some or all of the claims against Respondents fail because they do not state a claim for which relief may be granted under the Act.

SECOND DEFENSE

Some or all of the claims against Respondents fail because the acts alleged are not illegal under the Act.

THIRD DEFENSE

Respondents' purported conduct does not have a reasonable tendency to interfere with, restrain, or coerce employees in the exercise of rights guaranteed by Section 7 of the National Labor Relations Act.

FOURTH DEFENSE

The individuals directly referenced in the Consolidated Complaint as "employees", including but not limited to (b) (6), (b) (7)(C) were not at any material time "employees" of any Respondent within the meaning of Section 2(3) of the Act.

FIFTH DEFENSE

To the extent the Consolidated Complaint's allegations and/or its proposed remedial measures are predicated, in any way, on any potential change in extant Board law, such retroactive application would be manifestly unfair, unwarranted, unenforceable, and in violation of Respondents' due process rights.

SIXTH DEFENSE

Respondents reserve the right, upon any further disclosure of the General Counsel's request for relief, to assert that some or all of the requests for relief sought against Respondents are, in addition to being unavailable because Respondents did not commit any violations of the Act, beyond the scope permitted by the Act and constitute improper requests for relief, or are punitive requests for relief not permitted by the Act.

SEVENTH DEFENSE

Respondents reserve the right to present additional defenses as permitted by the National Labor Relations Act and the Board's Rules and Regulations.

WHEREFORE, Respondents deny that they have engaged in any act which violated the National Labor Relations Act. Respondents request that the Consolidated Complaint be dismissed in its entirety with prejudice, and that Respondents be awarded their costs and attorneys' fees in connection with this matter, and other relief as deemed appropriate.

Date: March 31, 2022

Respectfully submitted,

/s/ Daniel A. Adlong
Daniel A. Adlong, Esq.
OGLETREE DEAKINS NASH
SMOAK & STEWART, PC
Park Tower, Fifteenth Floor
695 Town Center Drive
Costa Mesa, CA 92626
Telephone: 714-800-7900
Facsimile: 714-754-1298
Email: daniel.adlong@ogletree.com

CERTIFICATE OF SERVICE

The undersigned certifies that on the 31st day of March 2021, the foregoing, **RESPONDENTS' JOINT ANSWER TO CONSOLIDATED COMPLAINT**, was filed via electronic filing with:

Mr. William B. Cowen, Regional Director
NATIONAL LABOR RELATIONS BOARD
Region 21
312 North Spring Street, Suite 10150
Los Angeles, CA 90012

and served via e-mail upon:

Julie Gutman Dickinson, Esq.
Hector De Haro, Esq.
Jason Wojciechowski, Esq.
BUSH GOTTLIEB
801 North Brand Blvd., Suite 950
Glendale, CA 91203-1260
JGD@bushgottlieb.com

ATTORNEY FOR THE CHARGING PARTY

Edith Castaneda
edith.castaneda@nlrb.gov

/s/ Daniel A. Adlong
Daniel Adlong, Esq.